

Kaspar, Paul

From: Kenneth Teague <kgteague@sbcglobal.net>
Sent: Tuesday, November 6, 2018 9:58 AM
To: swg_public_notice@usace.army.mil; Kaspar, Paul; Martinez, Maria; Rusty.Swafford@noaa.gov; david_hoth@fws.gov; 401certs@tceq.texas.gov; Rebecca Hensley; brandtshnfbt@juno.com; leslie.savage@rrc.texas.gov
Subject: Public Notice SWG-2015-00114

Dear Sir/Ms: I have reviewed the subject PN and have the following comments:

- The PN included very little information- Only the typical general information contained in the actual PN, and a series of maps and drawings. No detailed information is provided regarding alternatives considered, avoidance and minimization of impacts to aquatic habitats, impacts of the proposed project on aquatic habitats, suitability of dredged material for disposal in the aquatic environment, whether water quality criteria would be met at the point of effluent discharge from upland confined disposal facilities, whether opportunities to avoid pipeline impacts were actually considered, assumptions regarding pipeline impacts, pipeline impacts to streams, impacts to threatened or endangered species, or details of proposed mitigation. Given the size and complexity of the proposed project, and the scale of the impacts to waters of the U.S., this is unacceptable. Do not issue the permit unless and until the public is provided the opportunity to review and comment on all of this information, as part of a Clean Water Act Section 404 public review process.
- The applicant must provide a clear statement of the purpose of the project, and must demonstrate clearly that the 404(b)(1) Guidelines have been met. Currently, the PN clearly does not demonstrate that the applicant has met the requirements of the Guidelines.
- The applicant has not demonstrated that they have properly evaluated the suitability of dredged material for disposal in the aquatic environment. This must be conducted as per the Inland Testing Manual and/or the Upland Testing Manual, depending on proposed disposal.
- The proposed pipeline will have considerable impacts on streams, but the PN does not even mention this. These details must be presented for public review and comment. I recommend all natural streams and associated riparian wetlands be crossed by HDD methods only.
- While the PN does not provide any details, it is likely that the applicant has underestimated the impacts of the proposed pipeline on aquatic habitats. Typical assumptions for pipeline impacts significantly underestimate the actual impacts, assuming that unassisted natural restoration will fully restore complex aquatic ecosystems. In addition, it is typical to assume that maintaining pipeline rights of way by mowing and herbicides results in no impact to wetlands in the right of way. This is clearly unsupportable. Finally, temporal loss of aquatic habitat and their functions is never considered a loss of environmental functions, while it should be, and it should be mitigated.
- No details are provided regarding proposed mitigation. Preservation is proposed. However, the Mitigation Rule clearly states that preservation is usually the least desirable form of mitigation. The PN must provide the public with a detailed discussion regarding why preservation is appropriate mitigation in this case. There are likely to be a number of restoration opportunities in the project area, which may result in less net loss of aquatic habitat function, than would preservation. The proposal to mitigate by preservation should be rigorously supported. The PN includes no proposal for mitigation for pipeline impacts to wetlands or to stream or other aquatic habitat.
- Do not permit the proposed project unless and until detailed information on the above are provided to the public for review and comment.

Sincerely,
Kenneth G. Teague, PWS, Certified Senior Ecologist
Austin, TX

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